

HOUSE BILL 435

C3

(0lr2219)

ENROLLED BILL

— Health and Government Operations/Finance —

Introduced by ~~Delegates Kach and Jones~~, Jones, Benson, Costa, Donoghue, Elliott, Hammen, Hubbard, Jenkins, Kipke, Krebs, Kullen, McDonough, Montgomery, Morhaim, Nathan-Pulliam, Oaks, Pena-Melnyk, Pendergrass, Reznik, Riley, Tarrant, and V. Turner

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Health Insurance – Reimbursement of Physicians – Services Outside of Office**
3 **~~Hours, by Telephone, or Online~~ Primary Care Providers – Bonus Payments**

4 FOR the purpose of requiring certain health insurance carriers to ~~reimburse~~
5 ~~physicians a bonus payment~~ pay a bonus to primary care providers for services
6 provided in the office at certain times; requiring certain health insurance
7 carriers to ~~reimburse physicians a separate payment for an evaluation and~~
8 ~~management service delivered in a certain manner under certain circumstances~~
9 include certain items in their contracts with primary care providers; specifying
10 the contracts and policies to which this Act applies; making certain provisions of
11 this Act applicable to health maintenance organizations; providing for a certain
12 exception; defining a ~~certain term~~ certain terms; and generally relating to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 reimbursement of ~~physicians~~ primary care providers by health insurance
2 carriers.

3 BY adding to
4 Article – Health – General
5 Section 19–706(cccc)
6 Annotated Code of Maryland
7 (2009 Replacement Volume)

8 BY adding to
9 Article – Insurance
10 Section 15–134
11 Annotated Code of Maryland
12 (2006 Replacement Volume and 2009 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article – Health – General**

16 19–706.

17 (CCCC) THE PROVISIONS OF § 15–134 OF THE INSURANCE ARTICLE
18 APPLY TO HEALTH MAINTENANCE ORGANIZATIONS.

19 **Article – Insurance**

20 15–134.

21 (A) (1) IN THIS SECTION, ~~“CARRIER” MEANS:~~

22 ~~(1)~~ THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

23 (2) “CARRIER” MEANS:

24 (I) AN INSURER;

25 ~~(2)~~ (II) A NONPROFIT HEALTH SERVICE PLAN;

26 ~~(3)~~ (III) A HEALTH MAINTENANCE ORGANIZATION; OR

27 ~~(4)~~ (IV) ~~A DENTAL PLAN ORGANIZATION; OR~~

28 ~~(5)~~ ANY OTHER PERSON THAT PROVIDES HEALTH BENEFIT PLANS
29 SUBJECT TO REGULATION BY THE STATE.

1 **(3) “GROUP MODEL HEALTH MAINTENANCE ORGANIZATION” HAS**
 2 **THE MEANING STATED IN § 19-713.6(A) OF THE HEALTH – GENERAL ARTICLE.**

3 **(B) THIS SECTION APPLIES ONLY TO CONTRACTS OR POLICIES THAT:**

4 **(1) ARE ISSUED OR DELIVERED BY A CARRIER; AND**

5 **(2) PROVIDE HOSPITAL, MEDICAL, OR SURGICAL BENEFITS TO**
 6 **INDIVIDUALS OR GROUPS ON AN EXPENSE-INCURRED BASIS.**

7 ~~**(B) (C) (1) EACH EXCEPT AS PROVIDED IN SUBSECTION (D) OF**~~
 8 ~~**THIS SECTION, EACH CARRIER SHALL REIMBURSE PHYSICIANS;**~~

9 ~~**(1) A BONUS PAYMENT PAY A BONUS TO PRIMARY CARE**~~
 10 ~~**PROVIDERS FOR SERVICES PROVIDED IN THE OFFICE:**~~

11 ~~**(I) AT TIMES OTHER THAN REGULARLY SCHEDULED**~~
 12 ~~**OFFICE HOURS AFTER 6 P.M. AND BEFORE 8 A.M.; OR**~~

13 ~~**(II) ON DAYS WHEN THE OFFICE IS NORMALLY CLOSED; AND**~~
 14 ~~**ON WEEKENDS AND NATIONAL HOLIDAYS.**~~

15 ~~**(2) A SEPARATE PAYMENT FOR AN EVALUATION AND**~~
 16 ~~**MANAGEMENT SERVICE DELIVERED BY TELEPHONE OR ONLINE IF THE**~~
 17 ~~**COMMUNICATION;**~~

18 ~~**(I) IS NOT PART OF AN IN-PERSON VISIT THAT TOOK PLACE**~~
 19 ~~**WITHIN 48 HOURS BEFORE THE COMMUNICATION; OR**~~

20 ~~**(II) DOES NOT LEAD TO AN IN-PERSON VISIT THAT TAKES**~~
 21 ~~**PLACE WITHIN 24 HOURS AFTER THE COMMUNICATION**~~ **A CARRIER SHALL**
 22 **PROVIDE FOR AND DESCRIBE THE TERMS OF THE BONUS PAYMENT REQUIRED**
 23 **IN PARAGRAPH (1) OF THE THIS SUBSECTION IN A SEPARATE CLAUSE IN THE**
 24 **CARRIER’S CONTRACT WITH THE PRIMARY CARE PROVIDER.**

25 **(D) A GROUP MODEL HEALTH MAINTENANCE ORGANIZATION IS NOT**
 26 **REQUIRED TO MAKE ANY BONUS PAYMENTS DESCRIBED IN SUBSECTION (C) OF**
 27 **THIS SECTION TO PHYSICIANS THAT ARE EMPLOYED BY THE PHYSICIAN GROUP**
 28 **UNDER CONTRACT WITH THE GROUP MODEL HEALTH MAINTENANCE**
 29 **ORGANIZATION.**

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 31 October 1, 2010.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.